

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

Nathaniel Basola Sobayo, Defendant,

*original*

Dbā: KINGSWAY CAPITAL PARTNERS, LLC;

2148 UNIVERSITY AVENUE, EAST PALO ALTO, CALIFORNIA 94303

UNITED STATES OF AMERICA.

Page | 1

Phone: 650-323-1849. Fax: 650-228-2492. E-MAIL: Nathaniel.sobayo@gmail.com

Defendant, In Pro Per  
Without Attorney

UNITED STATES DISTRICT COURT FOR NORTHERN DISTRICT OF CALIFORNIA

Case No 14-cV-03666-MEJ

Maria Sosa, Plaintiff

v.

Vs. Nathaniel Basola Sobayo, Defendant

**FILED**  
AUG 26 2014  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Defendant's Response to

ORDER TO SHOW CAUSE OF August 15, 2014

- 1) On August 13th, 2014 Defendant Nathaniel Basola Sobayo, removed a frivolous Unlawful Detainer case action from San Mateo County Superior Court.
- 2) On August 15, 2014, Maria-Elena James, a United States Magistrate Judge, issued an Order to show Cause, on the grounds that, it appears that this Court may lack jurisdiction and that unless, it is otherwise proven, the case may be remanded to San Mateo Superior Court.

3) Defendant is to show how the Court has jurisdiction over plaintiff's frivolous Unlawful Detainer claim.

4) On August 22, 2014, Defendant, Nathaniel Basola Sobayo, filed by priority Mail, with USPS tracking No. 9114-9011-8986-6447-6886-35, which includes \$50.00 insurance.

(✓) Declined: Magistrate Judge Jurisdiction of Magistrate Judge Maria-Elena James, In accordance with the p revisions of 28 U.S.C, Section 636©.

5) A request is therefore pending, a reassignment to a United States District Judge.

6) Although the legality and the Validity of the OSC are currently in question, Defendant will proceed to Answer the order to show Cause, pending reassignment, but alleges and asserts that the ;

ORDER TO SHOW CAUSE IS PREMATURE, ON THE GROUNDS THAT DEFENDANT HAS 14 DAYS FROM DATE OF RECEIPT OF NOTICE TO DECLINE OR ACCEPT THE JURISDICTION OF A MAGISTRATE JUDGE, WHICH DECLINE IS NOW IN PLACE AND NOW PENDING.

7) Although the Frivolous Unlawful Detainer does not exceed \$10,000.00, Defendant asserts and alleges that Plaintiff acted in "bad faith" in order to prevent defendant from removing the case.

The new section 1446 ( C ) (3)(B), specifically states that if "the district Court finds that the plaintiff deliberately failed to disclose the actual amount in Controversy to prevent removal, that finding shall be deem "bad faith" for the purpose of removal after the One gear deadline. Defendant now alleges and asserts that the amount in controversy, as stated by Plaintiff is not valid.

8) The actual amount in controversy in this case is \$1,630,500.00, and not as disclosed in Plaintiff's frivolous Unlawful Detainer Complaint, and not as not

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

claimed by Plaintiff in the complaint, and not as \$3,033.26 through July 07, 2014.

9) (A) Defendant, Nathaniel Basola Sobayo, offers his out of Court Complaint of May 24th, 2014, a Complaint to be filed in the Court of Law, if the matter is not urgently handle in a very reasonable way for settlement out of Court. Page | 3

This is marked as EXHIBIT No. 1. In the removal complaint.

9) (B) Exhibit No. 2. In the removal complaint, which was propounded and dates on JUNE 28, 2014, is the Itemized Demand for Property Damages caused by Extreme Water(Rain)falls damages of the Defendant Nathaniel Basola Sobayo's Business, and Personal properties damages. Exhibit No. 2 is the breakdown of the actual Amount in Controversy, which is the amount of \$1,630,500,00.

Exhibit #1 and Exhibit #2, in the removal complaint, were formally propounded on all wrongdoers by this defendant according to the entities listed on the same exhibits.

9) ( C) The unlawful detainer, besides the issues of "bad faith", was on fraud on the Court, and the defendant Nathaniel Basola Sobayo, and frivolous filers, Maria Sosa, and her lawyer, Committed series of frauds on this defendant, and the frauds are very criminal in nature, w because she MARIA SOSA is not the title owner of the subject property, therefore Lack of Standing to bring the frivolous and bad faith law suit in the first place, against this defendant.

Exhibits # AAA (i)(ii)(iii)(iv)(v) In the removal complaint, presents,

(1) Grand Deed to a living Trust of Maria G. Sosa Trust.

(2) Property Description.

(3) Summary of Property Details.

9) (D) Although Maria souse, is purported to be, one of the a trustees of the purported revocable living trust, no disclosure was made to Defendant Nathaniel Basola Sobayo. Maria Sosa, Dan Beatty, purported attorney for Maria Sosa, and Jamie Alvarez, purported nephew and real estate agent for Maria Sosa, as partners in crimes, and co-conspirators, all conspired to commit identity frauds on the person of defendant NATHANIEL BASOLA SOBAYO.

This was done in violation of Business and Professional Codes of the Federal and State Codes, and such violations are legally considered violations of deceptive business practices.

The names of the trust and trust agreement, that were not disclosed are also clearly, violations of The Federal and State Business and professional Codes. These are, again, identity frauds and clearly a Federal law violations.

9) (E) Dan Beatty, a purported Attorney at Law, a purported member of the California and Federal Bar(s) Association(s) and a purported Officer of the Federal and State Courts, have committed series of frauds on this defendant and the Frauds are on both the Federal and State Courts, by engaging frivolous law suits and deceptive business and legal practices, and in violations of Federal and State Business and professional Codes. These allegations have damaged Defendant NATHANIEL BASOLA SOBAYO, and continue hitherto, to damage him gravely.

9) (F) Maria Sosa and Dan Beatty, her purported lawyer, have violated the Civil rights and the U.S. Constitutional rights of Defendant Nathaniel Basola Sobayo, by Conspiracy and fraudulent actions and as well as as violent assaults on the personal and business efforts of Defendant Nathaniel Basola Sobayo. These are considered criminal offenses and wrongdoings.



9) (G) This is marked as EXHIBIT No. "A" . In the removal complaint. It is the COMMERCIAL LEASE OF THE SUBJECT PROPERTY.

Page | 5

On page number 1, of the Commercial Lease, Maria Sosa, and Dan Beatty her purported lawyer, have violated and defaulted on the last paragraph titled "EXCLUSIVITY", which provides that: Landlord shall not directly or indirectly, through any employee, agent, or otherwise, lease any space within the property ( except the premises herein described ), or occupancy any such space whose primary use of business is in or may result in, competition with the Tenant's primary use of business.

The Landlord hereby gives the tenant the exclusive right to conduct their primary use of business on the property.

Maria Sosa and Dan Beatty her lawyer, have violated the US. Constitutional rights and the Federal Civil rights of Defendants, Nathaniel Basola Sobayo, by their actions, that have degraded, oppressed, suppressed and repressed, the business and personal goals and objectives, since March of 2011, uptil the present time, and forever.

Maria souse and Dan Beatty, her conspiratorial purported lawyer, have racially and psychologically discriminated against Defendant NATHANIEL BASOLA SOBAYO, and they intend to continue to do so, if not legal halted, through rule of law.

////

////

////

////

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

Another Co-conspirator with Maria Sosa and Dan Beatty, her purported lawyer, is Jaimie Alvarez, who is a purported nephew , and a purported Real Estate Agent of Maria Sosa, these triangle are the partners in crime, in the alleged and asserted allegations of :

Page | 6

- 1) Racial Discriminations.
- 2) Prejudices.
- 3) U.S. Constitutional Violations Of Defendant's Civil Rights.
- 4) And Many Other Civil Rights Violations.
- 5) BULLYING BULLIES.
- 6) HARRASSMENTS
- 7) ABUSERS.
- 8) OPPRESSORS.
- 9) AGGRESSORS.
- 10) DEPRESSORS.
- 11) SUPPRESSORS.
- 12) TERRORISTS.

The next EXHIBITS is marked as EXHIBIT No. 5 AND No. 6. In the removal complaint.

Exhibit No. 5 and No. 6, are proofs of the many attempts, of defendant Nathaniel Basola Sobayo, to make an offer to purchase the subject property as a legally and professionally listed real estate for Sale regarding the same subject property.

But by racial profiling and discriminations, prejudices, tactics of subterfuges, U.S. Constitutional rights violations, and Civil rights violations of Defendant Nathaniel Basola Sobayo, these conspiratorial partners in crimes, blocked defendant's personal and business goals and objectives of successfully concluding his intents to purchase the subject property as alleged. And now a retaliatory eviction harassments and bullying inflicted of defendant Nathaniel B. Sobayo.

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

Exhibit #3, This is marked as EXHIBIT No. 3. In the removal complaint.

It represent the Defendant's effort to assure and gain warranty of rain proof roof.

Page | 7

Exhibit #4, This is marked as EXHIBIT No. 4. In the removal complaint.

It represent an evidence of Dan Beatty, Maria Sosa's purported attorney and or lawyer, frivolously and fraudulently blocking, oppressing and suppressing Defendant, out of Court settlements of a series of violations and allegations.

9) (H) On Page #2 of the Commercial Lease, Maria Sosa and Dan Beatty, her purported attorney; have violated and defaulted on each of the titled paragraphs as herein listed:

- \* PARKING
- \* PROPERTY
- \* RENEWAL TERMS
- \* MAINTENANCE
- \* UTILITIES AND SERVICES

On Page #3 of the COMMERCIAL LEASE, the Paragraphs listed below have been violated, with intents to continue to do so, by Maria Sosa and her co-conspirators are:

\*DESTRUCTION OR CONDEMNATION OF PREMISES.

////

////

////

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

**\* DEFAULTS**

**PROVISIONS IN COMMERCIAL LEASE.**

Although Maria Sosa illegally claims default, in the amount \$3, 033.26, through 07/07/2014, we have an understanding that, until she Maria Sosa, resolves and completely settles the property damages claims of Nathaniel Basola Sobayo, currently listed at the amount of: \$1,630.500.00, the fraudulent rental or lease payment amount will be withheld, accordingly the same is been withheld and preserved monthly, until alleged violations and damages of Nathaniel Basola Sobayo's properties are settled completely and paid for. Deendant is resolved to keep this referenced agreement. Page | 8

On Page #4, OF COMMERCIAL LEASE.

the last 4 paragraphs are Tenant's duties except Landlord's act or negligence. Under "Compliance with Regulations"

Federal laws or regulations are clearly required,

**YET MOST LAWS AND REGULATIONS HAVE BEEN VIOLATED**

**BY MARIA SOSA, DAN BEATTY, HER PURPORTED LAWYER, AND JAIMIE ALVAREZ, HER PURPORTED NEPHEW AND PURPORTED REAL ESTATE AGENT. ALL THESE FEDERAL LAW AND FEDERAL CONSTITUTION VIOLATION AND CIVIL RIGHTS VIOLATION MUST BE RESOLVED IN THE FEDERAL COURTS.**

////

////

////

////

////



DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

9) (I) Page #5 of Commercial Lease under Paragraph – for:

NOTICE:

It asserts that,

Page | 9

Notices under this lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepared, addressed as indicted and so on.

Maria Sosa and Dan Beatty, her purported lawyer, have clearly violated this provisions and no evidence to the Contrary exists, the proof of service file by Maria Sosa, and another purported processes server, are contradictory and are all therefore legally invalid.

////

////

////

////

////

////

////

////

////

////

////

////

////

## MEMORANDUM OF POINTS AND AUTHORITIES

RESPONSE TO ORDER TO SHOW CAUSE ORDER OF

Page | 10

DEFENDANT'S REMOVAL complaint against plaintiff should not be dismissed for lack of jurisdiction.

As the scope of the Order to Show Cause is specifically directed at defendant proving court jurisdiction in his complaint

Defendant will confine his remarks to addressing the jurisdiction standard set by this court .

1. As the scope of the Order to Show Cause is specifically directed at defendant proving court jurisdiction in his complaint  
Defendant will confine his remarks to addressing the jurisdiction standard set by this court .

### **2. SPECIAL CRIMINAL REPORT(S) BY THIS DEFENDANT, IS HEREIN SPECIFICALLY REPORTED TO THIS UNITED STATES DISTRICT COURT;**

**THAT :**

**MARIA SOSA,**

**DAN BEATTY; HER PURPORTED LAWYER,**

**JAIMIE ALVAREZ; HER PURPORTED NEPHEW AND REAL ESTATE AGENT,**

**AS PARTNERS IN CRIME(S),**

**ARE ALLEGED TO BE ENGAGED IN WHAT APPEARS TO BE CRIMINAL ACTS,  
THESE ALLEGATIONS, ARE TO BE INVESTIGATED AND HANDLED, UNDER THE  
RULES OF LAW OF THIS GREAT UNITED STATES OF AMERICA. SOME OF THE  
CRIMINAL ACTS REFERRED TO BY DEFENDANT ARE THE FORMS OF  
BULLYING, BY THESE BULLIES, BUT NOT LIMITED TO HARRASSMENTS,**

**PSYCHOLOGICALLY FAULT STATEMENTS, OPPRESSIONS, DEPRESSIONS, REPRESSIONS, AGRESSIONS, TERRORISM(S) AND MANY MORE CRIMINAL ACTS, OFFENSES AND VIOLATIONS.**

- Page | 11
3. Defendant will be establishing either that federal statute creates the cause of action, or that the defendant's right to relief necessarily depends on the resolution of a substantial question of federal law.
  4. However Plaintiff does suggest the court's Show Cause Order may be premature, in that defendant's time to decline or accept the jurisdiction of the Magistrate Judge, has not expired, hence the OSC, preempted defendant's rights in law or court rules.
  5. Given legal research and circumstances currently prevailing it is possible the plaintiff may elect to accept defendant's removal complaint without protest falling on the mercy of the court regarding all the allegations and the criminal charges.
  6. Further as criminal violations and allegations have been brought to the court's attention, it is well settled law that the court, before reaching any decision of remanding nor dismissal of the REMOVAL COMPLAINT, is obligated to hear the DEFENDANT out fully regarding these allegations, least the court risk running afoul of legal sanctions intended to prevent the continuance of illegal acts.
  7. It is the same principle of a citizen calling the police to report a criminal act. The act of reporting alone obligates the officers to investigate the matter fully before making a determination of criminal action least they face legal redress.

8. It is also well settled law the DEFENDANT is not required to prosecute the PLAINTIFF. All the DEFENDANT is required to do is show sufficient evidence to demonstrate that a criminal act has most likely occurred. In this sense DEFENDANT acts in the role of informer.

Page | 12

Likewise, this court does not hold trial regarding the reported crime.

Instead, as might be noted by the court, and as expected and or implied in DEFENDANT'S complaint, it merely refers the evidence of the crime to other legal officials charged with prosecution of these reported criminal acts. The fact such criminal acts may involve numerous defendants may be VIPs, or highly placed officials or individuals cannot and should not have any bearing in this matter.

We are a nation of law, not a nation of men and thus it is that law that matters most.

9. Several issues were raised by DEFENDANT, in his complaint which were not challenged in the Show Cause Order.
10. Thus, by this act the court has established recognition of jurisdiction over much of DEFENDANT'S complaint.
11. The court has accepted jurisdiction over all criminal charges, reported herein against the PLAINTIFF which to be specific now includes
  - 18 U.S.C. 241, Conspiracy against Rights;
  - 18 U.S.C. 242, Deprivation of Rights Under Color of Law;
  - 18 U.S.C. 1621, Perjury;
  - 18 U.S.C. 1918, Disloyal against the Government;
  - 18 U.S.C. 2383, Rebellion or insurrection;
  - 18 U.S.C. 872, Extortion;
  - 18 U.S.C. 371, Conspiracy to commit offense or to defraud United States;
  - 18 U.S.C. 1512 (citation omitted),



DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

Tampering with a witness, victim or an informant and 42 U.S.C. 1983,  
Civil action for Deprivation of Rights.

In addition, the court did not raise jurisdictional questions regarding  
Writ of Mandamus

Page | 13

AS IMPLIED, AS INTENDED, BY THIS DEFENDANT AND AS  
REQUESTED, by which is authorized by 28 U.S.C. 1361.

The statute states:

The district courts shall have original jurisdiction of any action in the nature  
of mandamus to compel an officer or employee of the United States or any  
agency thereof to perform a duty owed the DEFENDANT AND OR ANY  
CITIZEN OF THE UNITED STATES OF AMERICA.

In this instance 28 U.S.C. 1361 establishes statutory jurisdiction in the area  
of Writ of Mandamus for the court and therefore satisfies the Order of Show  
Cause under the terms established by the court.

12. In its Show Cause Order, the court stated by implications that  
DEFENDANT'S REMOVAL complaint here contains no jurisdictional  
statement whatsoever.

As the court did not dispute 42 U.S.C. 1983 as to court jurisdiction  
this statute is now alleged and asserted in the REMOVAL complaint, and  
this statute specifically addresses redresses only  
available through court proceedings, it is obvious that this statute confers  
court jurisdiction.

////

////

////

////

////

////

42 U.S.C. 1983 states (in part):

“Every person Who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory of the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person with the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...”

Page | 14

As the plaintiff and her partners in crimes are of State CALIFORNIA, and it is clear that this statute applies to them. Further, the specific redresses of the statute clearly imply court jurisdiction as these redresses must be conducted in a court of law in order to be executed.

13. Thus court jurisdiction is established for the DEFENDANT by statute satisfying the courts standard 'in its Order to Show Cause Order.

14. Further, 28 U.S.C. 1343 (3)(4) states:

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons with the jurisdiction of the United States;

To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

This statute clearly provides statutory authority for court jurisdiction thus satisfying the requirements expressed in the court's Order to Show Cause.

////

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

15. DEFENDANT is further alleging, asserting and claiming, that the PLAINTIFF MARIA SOSA and her partners in crimes, BY IMPLICATIONS;

have established a usage by their illegal acts as pleaded by DEFENDANT; as to the convention clause of Article V of the United States Constitution, creating the claim they can refuse to obey, or veto, the Constitution.

Page | 15

(Readers of this OSC Answer,.....)

(Please See, study, digest, and understand the entire U.S.CONSTITUTION ).

As interpreted by the Supreme Court, this clause mandates an election by citizens to elect delegates to a convention to propose amendments.

The right to vote in an election is a right clearly guaranteed in the Constitution to its citizens, including this DEFENDANT. Denial of the same is therefore a deprivation of that right. Both 42 U.S.C. 1983 and 28 U.S.C. 1343 state that court jurisdiction is established by statute for denial of these rights. This fact therefore satisfies the Order of Show Cause under the terms established by the court.

DEFENDANT maintains other rights have also been denied by actions of the PLAINTIFF AND HER PARTNERS IN CRIMES, specifically the right to alter or abolish.

DEFENDANT noted in the Treaty clause of the Constitution,

(Art. VI, SEC 2) states (in part):

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land:

////

////

////



16. FURTHER , 28 U.S.C. 1340 states:

“The District court shall have original jurisdiction of any civil action arising under any Act of Congress providing for internal revenue, or revenue from imports or tonnage except matters within the jurisdiction of the Court of International Trade.”

Page | 16

DEFENDANT'S REMOVAL COMPLAINT, clearly falls within jurisdiction authority of these two statutes.  
Defendant has satisfied 26 U.S.C. 6532.

PLAINTIFF'S requested reparation is less \$10,000.00. PLAINTIFF'S REQUESTED REPARATION is not only an illegal collection by criminal action of the PLAINTIFF but a violations of the constitution as well.

Thus both sections of the 28 U.S.C. 1346 apply in this instance. Court Jurisdiction is provided by specific statutory language and thus the standard set forth in the Order to Show Cause is satisfied.

As can be noted elsewhere 5. U.S.C. 7311 et al; is the statutory text required by Article VI, Sec 3 of the Constitution that all members of Congress take an oath of office to support the CONSTITUTION and the text prescribes statutory penalties for those violating that oath of office.

“The Senators and Representatives before mentioned, and the Members of several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution,....”

Similarly, this Defendant and every citizen of the United States, are bound by pledges of allegiance and support to the Constitution of the United States . In this light, DEFENDANT, alleges and asserts that PLAINTIFF AND HER PARTNERS IN CRIMES, have violated their duties and pledges of allegiances to



support the United States Constitution. And as 5 U.S.C. 7311 and its related laws are ultimately based on a constitutional clause, it is clear that if the Plaintiff and her partners in crimes violate this clause or its related statutes, such action raises legitimate constitutional questions arising under the Constitution. In addition, in Defendant's complaint, pleadings, and this answer to "OSC" he has raised and implied legitimate and significant constitutional questions regarding the 16th Amendment, Article V, and whether the Plaintiff and partners in crimes, must obey the Constitution. All of these questions in turn relate to Article VI § 2 of the Constitution, otherwise known as the Supremacy Clause:

Page | 17

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every States shall be bound thereby....."

These questions directly affect the Defendant's right to relief as the issues raised or implied in his complaint, pleadings and ORDER TO SHOW CAUSE cannot be answered by the court without resolution of these substantial questions of federal law and Constitution.

It is axiomatic the Constitution regulates the citizens under its jurisdiction providing rights, immunities, privileges and responsibilities for all citizens.

Given that axiom, the constitutional questions raised or implied in this suit

"OR ANSWER TO ORDER TO SHOW CAUSE" include:

Given the axiom that a constitutional clause designating a specific act or action on the part of an officer must be performed imposes a duty of office upon the officer, can that officer who is required to take an oath of office supporting the

Constitution and “well and faithfully discharge the duties of the office” can those duties be voided, ignored or vetoed by the officer with total immunity?

THIS SAME QUESTION RAISED IMMEDIATELY ABOVE, APPLIES TO ALL CITIZENS OF THE UNITED STATES WITH PLEDGES OF ALLEGIANCES TO U.S. CONSTITUTION, INCLUDING BUT NOT LIMITED TO ALL PERSONS UNDER THE JURISDICTION OF THE FEDERAL COURTS OF THE UNITED STATES OF AMERICA.

Page | 18

--Does taking an oath “to support the Constitution” mean the obligation to obey its clauses and laws or is such an oath a mere formality without legal substance of which the oath-taker retains the right to veto, ignore or otherwise nullify at his whim?

--Do the Plaintiff and her co-conspirators, and partners in crimes, have the right to veto, ignore or void the explicit language of clauses of the Constitution of the UNITED STATES, such as the convention call of Article V at their individual or collective legislative whim, where such veto is clearly unconstitutional as it grants these citizens political powers not intended by the Founders ?

--If clauses of the Constitution intended to regulate the actions of citizens in a particular manner, such as commanding certain citizens to call a convention can be vetoed, ignored or voided by those citizens with immunity, does not the Defendant as a citizen enjoy the same immunity, meaning he is free to veto, ignore or void clauses, amendments and so forth of the Constitution as he feels fit?

--If constitutional clause can be vetoed, ignored or voided by the citizens they are intended to regulate, does the Defendant have to continue paying income tax when, if he should lose this suit, it is established the authority for such tax, the

Constitution and hence the 16<sup>th</sup> Amendment, can be ignored, vetoed or voided by the citizens it is intended to regulate with total immunity?

--Does the Defendant continue to enjoy any rights, privileges or immunities under the Constitution since, were he were to lose this suit, the right of the government to veto, ignore or void explicit constitutional clauses mandating specific actions by the government is established?

Page | 19

--Does this government right to veto, ignore or void explicit constitutional language mean that constitutional enforcement of rights, privileges and immunities for citizens is entirely voluntary, selective and optional on the part of the government and these rights, privileges and immunities can be ignored, void, vetoed or removed by the government as it pleases despite the guarantees of explicit constitutional language and statutes to the contrary?

--How can Plaintiffs hold they can veto, void or ignore the Constitution yet bind themselves to its provisions by seeking immunity or privileges for themselves in its clauses, such as the Speech and Debate Clause, or by paying income taxes as required by the Constitution and its associated statutes?

--If the Constitution must be obeyed, can the Plaintiffs ignore, void or veto its provisions allowing for the abolishment of the 16<sup>th</sup> Amendment with impunity as to civil and criminal penalties in order to continue to collect income tax against the Defendant?

--Is Defendant's right to vote merely optional as he has no redress for denial of his vote as he is a member of a minority usually associated with racial discrimination thus implying denial of his right to vote is of a less legal weight because such denial is based on race?

--Is the Constitution the supreme law of the land with such authority as the term "law" implies, or has it evolved into a mere guideline with some historic significance, but lacking true legal authority, being no more than advisory in nature, the advice of which may be ignored, voided or veto by citizens and government it is intended to regulate at their individual, collective or legislative whim?

Page | 20

Court jurisdiction for such constitutional questions is established by

28 U.S.C. 1331:

"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States."

All three issues, the Constitution, federal laws and treaties of the United States are raised and implied in Defendant Nathaniel Basola Sobayo's rights to defend himself from frivolous lawsuit or legal proceedings, in this suit and thus court jurisdiction is established by statute thus satisfying the Show Cause Order standard.

The most important question before the court is whether the Constitution has legal effect or whether its provisions can be vetoed by groups of citizens those provisions are intended to regulate at their whim.

Every word in the Constitution is a right, privilege or immunity for some citizens.

Hence, there are hundreds of rights contained in the Constitution beyond those contained in the Bill of Rights. But if the Constitution can be ignored, if its language has no force of law, if a clause of that Constitution mandates an action the government can disobey at its whim, then the Constitution ceases to exist as a legal authority becoming meaningless.



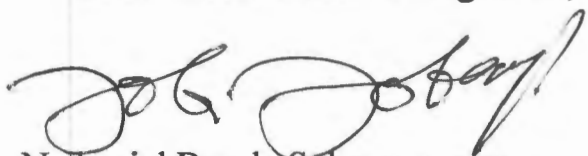
DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

In the final analysis, all rights in the Constitution are based on the premise of obedience to the Constitution in that the rights exist in the Constitution and therefore must be respected and obeyed. If the language can be ignored by the government or citizens making up that government with impunity, does the Defendant Nathaniel Basola Sobayo, any and all other citizens, enjoy any rights, or can the government cancel them whenever it pleases? Clearly the answer to this question is substantial and the consequences to the Defendant grave.

Page | 21

**CONCLUSION:** In sum, Defendant has shown the issues raised in his answer to order to show cause, are either ;

- (a) already accepted by the court as to jurisdiction;
- (b) that jurisdiction is provided for by statute ; or
- (c) the issues raised by Defendant present substantial constitutional questions affecting the Defendant as to his rights, privileges and immunities contained with the Constitution. Thus Defendant has shown cause why his complaint should not be "REMANDED" for lack of jurisdiction as jurisdiction is established in all matters of his complaint under the standards set in the court's Show Cause Order of August 15, 2014.



Nathaniel Basola Sobayo, pro se.

Dated this 25<sup>th</sup>, day of August, 2014.

2148 University Avenue, East Palo Alto, California 94303.

Phone: 650-323-1849.

Fax: 650-228-2492.

E-MAIL: Nathaniel.sobayo@gmail.com

Defendant, In Pro Per, Without Attorney

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.

**CERTIFICATE OF SERVICE**

I am a resident of the State of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is 2148 UNIVERSITY AVENUE, EAST PALO ALTO, California 94303.

On the date listed below, I served the following document(s):

Page | 22

**ANSWER TO ORDER TO SHOW CAUSE**

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5 p.m. Our facsimile machine reported the "send" as successful.

XX by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at PALO ALTO, California, addressed as set forth below.

OFFICE OF CLERK, US DISTRICT COURT, FOR NORTHERN DISTRICT OF CALIFORNIA  
450 GOLDEN GATE AVENUE, SAN FRANCISCO, CALIFORNIA 94102.

LAW OFFICES OF DAN BEATTY, 1771 WOODSIDE Rd, Redwood City, Ca 94061.  
Telephone:650-367-1771. Facsimili: 650-616-3924

MARIA SOSA, 2154 UNIVERSITY, AVENUE, EAST PALO ALTO, CA 94303.

I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. According to that practice, items are deposited with the United States mail on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing stated in the affidavit.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, deposited with Federal Express Corporation on the same date set out below in the ordinary course of business; that on the date set below, I caused to be served a true copy of the attached document(s)

by causing personal delivery of the document(s) listed above \_\_\_\_\_ at the address set forth below.  
by personally delivering the document(s) listed above to the person at the address set forth below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: AUGUST 25, 2014.

  
\_\_\_\_\_  
Christopher F. Willemin

Page | 23

DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE OF AUGUST 15<sup>TH</sup>, 2014.